

In the High Court of Punjab and Haryana, at Chandigarh

1. Criminal Misc. No. M-25827 of 2020

Sushil

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

AND

2. Criminal Misc. No. M-28937 of 2020

Mahesh alias Sunny

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

Date of Decision: 28.09.2020

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Malik, Advocate
for the petitioner (In CRM-M-25827-2020).

Mr. Bhupender Singh, Advocate
for the petitioner (In CRM-M-28937-2020).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

By this order, two petitions i.e. Criminal Misc. No. M-25827 of 2020 and Criminal Misc. No. M-28937 of 2020, filed by Sushil and Mahesh alias Sunny respectively for grant of regular bail in a criminal case arising from FIR No. 352 dated 04.06.2018, registered under Section 302, 452, 148 & 149 IPC and Section 25 of Arms Act, 1959, at Police Station

In a nutshell, the case of the prosecution has been given in the reply filed by way of affidavit of the Deputy Superintendent of Police, Meham in para 1 of the preliminary objections, which is extracted as under:

“That this case was registered on the statement of Ishwar s/o Inder Singh caste Jaat permanent resident of village Muradpur Tekna to the effect that he is doing agricultural work since birth. On 04.06.18 elder brother of complainant namely Parveen, was sitting in the house of Ravinder s/o Dharampal and along with them Naveen alias Ford S/o Rajpal, Ankush alias Kushe s/o Ravinder, Om s/o Bharat Singh, Rajesh alias (Kallu) s/o Satbir all these caste Jaat and besides those Rahul alias Natha s/o Sadhu Ram caste Chamar all residents of Muradpur Tekna were sitting. At about 8:30 PM 5/6 unidentified persons armed with weapons came and starting shooting by calling bad-bad names. And flew away from the spot along with their respective weapons via chamar’s street, whereas due to fire by bullet Parveen died at the spot. On the basis of said complaint, a case vide FIR No. 352 dated 4/6/2018, U/s 148, 149, 302, 452 IPC & 25, 54, 59 Arms Act was registered in P.S. Meham. During the course of investigation the petitioner was arrested in case FIR no. 405 dated 29/6/2016 U/s 186, 307, 34 IPC & 25, 54, 59 Arms Act P.S. Sampla and the country made pistol and bullets were recovered from the petitioner which he was having at the ti me of incident dated 4/6/2018. After completion of investigation the

challan has been filed on 3/9/2019 and charges have been framed. Now case is pending in the court of Ld. A.S.J., Rohtak and is fixed for Pws. There are total 39 prosecution witnesses, but no witness has been examined so far”.

It was brought to the notice of this Court that the petitioner-Sushil has a chequered criminal past as he is involved in the following cases:-

- “a) FIR No. 352 dated 4/6/2018 U/s 148, 149, 302, 452 IPC & 25, 54, 59 Arms Act P.S.- Meham (present case) which is pending before Ld. A.S.J. Rohkat and is fixed for 27/11/2020.*
- b) In case FIR No. 72 dated 15/2/2018 U/s 387, 395, 397, 427, 452, 379-B IPC P.S.- Sampla, the petitioner has been acquitted.*
- c) In case FIR No. 364 dated 18/6/2019 U/s 379-A, 395, 397, 506 IPC & 25, 54, 59 Arms Act P.S.- Sampla, the petitioner is facing trial in the court of Ld. A.S.J. Rohtak.*
- d) FIR No. 365 dated 18/6/2018 U/s 387, 452, 506 IPC & 25, 54, 59 Arms Act P.S.- Sampla, the petitioner is facing trial in the court of Ld. A.S.J. Rohtak.*
- e) In case FIR No. 366 dated 18/6/2018 U/s 379-A, 395, 397, 506 IPC & 25, 54, 59 Arms Act P.S.- Sampla, in which the petitioner has been acquitted.*

- f) *FIR No.270 dated 18/6/2018 U/s 379-A, 307, 395, 397
IPC & 25, 54, 59 Arms Act P.S.- Kalanaur, which is
pending before Ld. A.S.J. Rohtak.*
- g) *FIR No. 405 dated 29/6/2018 U/s 186, 307, 34 IPC & 25,
54, 59 Arms Act P.S.- Sampla, which is pending before
Ld. A.S.J. Rohtak”.*

Mr. Chetan Sharma, Assistant Advocate General, Haryana, has also pointed out that Ishwar, the first informant in the FIR, has also been recently murdered.

Learned counsel appearing for the petitioner-Sushil has pointed out that it is the case of the prosecution that although, the petitioner was armed with fire arm but he did not fire any bullet. He further submits that the conclusion of the trial is likely to take time.

As regards the role of the petitioner-Mahesh alias Sunny, it is alleged that he was instrumental in providing illegal fire arms and the car used in the occurrence.

Keeping in view the aforesaid facts and without commenting upon the merits of the case, this Court is not inclined to grant the concession of regular bail to the petitioners. Hence, both the petitions are dismissed.

**(Anil Kshetarpal)
Judge**

September 28, 2020
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No